

Alan Klinger
212 378 7677
aklinger@Steptoe.com

Steptoe

1114 Avenue of the Americas
New York, NY 10036
212 506 3900 main
www.steptoel.com

VIA CM/ECF

December 10, 2024

The Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Mulgrew v. United States Dep't of Transp.* ("Mulgrew"), No. 24-cv-01644 (LJL); *Chan v. U.S. Dep't of Transp.*, ("Chan") No. 23-cv-10365 (LJL); *New Yorkers Against Congestion Pricing Tax v. U.S. Dep't of Transp.*, ("New Yorkers") No. 24-cv-367 (LJL)

Dear Judge Liman:

We write on behalf of the *Mulgrew* and *Chan* Plaintiffs in the above-referenced matters to request that our time to submit a joint brief both in reply to our motion for summary judgment with respect to the NEPA claims and in opposition to Defendants' cross-motions for summary judgment be extended from this Thursday (Dec. 12th) to Friday (Dec. 13th) at Noon. We received both the Federal Defendants' and the MTA group's papers yesterday evening. We reached out to Defendants and have been authorized to report that they take no position on the request and leave it to the Court, but, should the Court agree to the half-day extension they would want the same for their papers, currently due on Dec. 17th and would now be due at Noon on Dec. 18th (to which Plaintiffs previously had given our assent). Defendants also condition their position on the argument date of Dec. 20th remaining as scheduled. (Plaintiffs have not moved for a preliminary injunction on the NEPA claims.)

In addition, the parties in the *New Yorkers* case agree that continued briefing on the motion to dismiss will follow the same schedule, to wit, those Plaintiffs will submit their opposition along with their reply on their preliminary injunction motion, and Defendants will submit their reply on the same date as their reply on their cross motion for summary judgment in *Chan* and *Mulgrew*.

Respectfully submitted,

/s/ Alan M. Klinger

Alan M. Klinger

*Attorney for Mulgrew and
Chan Plaintiffs*